REMARKS

Claims 1-7, 9-10, 12-18, 20, 22, and 24 are amended. No new matter is added by these amendments. By amending the claims, applicants are not conceding that the claims are unpatentable over the references cited by the Examiner and are not conceding that the claims are non-statutory under 35 U.S.C. 101, 102, 103, and 112, as the claim amendments are only for the purpose of facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue these and other claims in one or more continuation and/or divisional applications. Claims 1-25 are pending. No new matter is added by these amendments. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

35 U.S.C. 101 Rejections

Claims 12-16 are rejected under 35 U.S.C. 101 because "Claim 12 defines a signal-bearing medium" and because "Claim 12 define (sic) a signal-bearing medium with descriptive material." Claims 12-16 are amended to recite a computer-readable storage medium, which is statutory under 35 U.S.C. 101.

35 U.S.C. 112 Rejections

Claim 6 is rejected under 35 U.S.C. 112 because "an importance of criteria (sic) recited in line 2 of claim 6 is vague and indefinite."

Claim 6 is amended to recite: "selecting the first program based on an expected savings from compressing the program and based on the importance of an expected savings criteria," which is definite under 35 U.S.C. 112.

35 U.S.C. 102 and 103 Rejections

Claim 1 is rejected under 35 U.S.C. 102(e) as unpatentable over Elcock (U.S. Pub. No. 2005/0160308). Claims 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as

unpatentable over Elcock in view of Potrebic (U.S. Patent 7,088,910). Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as unpatentable over Elcock and Ernst (U.S. Pub. No. 2004/0103215). Claim 4 is rejected under 35 U.S.C. 103(a) as unpatentable over Elcock and Garrison (U.S. Pub. No. 2005/0135779). Claims 8, 10-12, 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as unpatentable over Elcock in view of Potrebic and Ernst. Claim 9 is rejected under 35 U.S.C. 103(a) as unpatentable over Elcock in view of Potrebic and Garrison. Claims 13 and 17-25 are rejected under 35 U.S.C. 103(a) as unpatentable over Elcock in view of Potrebic, Ernst, and Garrison. Applicant respectfully submits that the claims are patentable over the references Elcock, Potrebic, Ernst, and Garrison, alone or in any combination, because all of the claim elements are not taught or suggested by the references, alone or in combination.

Claim 1 recites: "selecting a first program from among a plurality of programs based on a plurality of criteria and a respective importance of each of the plurality of criteria, wherein the selecting further comprises calculating a score for each of the plurality of programs for each of the plurality of criteria at the respective importance; and changing a compression level of the first program."

Although Elcock at [0036] describes a "re-encode" of "existing content at a lower bit rate," Elcock does not teach or suggest any technique for selecting this existing content, so Elcock does not teach or suggest "selecting a first program from among a plurality of programs based on a plurality of criteria and a respective importance of each of the plurality of criteria, wherein the selecting further comprises calculating a score for each of the plurality of programs for each of the plurality of criteria at the respective importance; and changing a compression level of the first program," as recited in claim 1. Elcock at [0036] describes a "search" of "the EPG listings ... for recorded programs that will be rebroadcast at a later time," but these Elcock programs are deleted and do not have their compression level changed, as recited in claim 1. Further, the Elcock "recorded programs" that are deleted are those that "will be rebroadcast at a later time," which is only one search technique and not "a plurality of criteria." Further, the Elcock single search technique does not have a respective importance, as recited claim 1.

Further, Elcock does not calculate a score even for its single search technique, so Elcock does not teach or suggest "calculating a score for each of the plurality of programs for each of the plurality of criteria," as recited in claim 1.

Potrebic at column 3, lines 65-67 and column 4, line 1 describes "tags" that "allow the system to automatically determine whether or not to delete or record over a previously recorded program and which previously recorded program to delete or record over." Thus Potrebic does not teach or suggest "selecting a first program from among a plurality of programs based on a plurality of criteria and a respective importance of each of the plurality of criteria, wherein the selecting further comprises calculating a score for each of the plurality of programs for each of the plurality of criteria at the respective importance; and changing a compression level of the first program," as recited in claim 1 because Potrebic is determining which programs to delete and is not selecting a program in order to change its compression level. Further, Potrebic only describes its single tags determination technique and not a "plurality of criteria," as recited in claim 1. Further, Potrebic does not describe an importance of its single determination technique because Potrebic has no other determination technique against which to compare an importance of its tags determination technique, so Potrebic does not teach or suggest "selecting a first program from among a plurality of programs based on a plurality of criteria and a respective importance of each of the plurality of criteria," as recited in claim 1. Potrebic further does not teach or suggest "calculating a score for each of the plurality of programs for each of the plurality of criteria," as recited in clam 1 because Potrebic only has a single determination technique.

Ernst does not teach or suggest "selecting a first program from among a plurality of programs," as recited in claim 1 because as illustrated in Ernst Fig. 4 and as described by Ernst at [0021], Ernst makes a decision of whether or not to perform the "compress data" of block 445 on one piece of data at a time, in isolation from any other piece of data. Further, Ernst does not teach or suggest "selecting a first program from among a plurality of programs based on a plurality of criteria and a respective importance of each of the plurality of criteria," as recited in claim 1 because the Ernst processing of blocks

410, 420, 430, 435, and 440 have no associated respective importances. Further, none of Ernst blocks 410, 420, 430, 435, and 440 calculate a score, as recited in claim 1.

Garrison does not teach or suggest "selecting a first program from among a plurality of programs based on a plurality of criteria and a respective importance of each of the plurality of criteria, wherein the selecting further comprises calculating a score for each of the plurality of programs for each of the plurality of criteria at the respective importance; and changing a compression level of the first program," as recited in claim 1 because Garrison at [0021] only describes a single schedule determination technique that has no importance and no score, and because Garrison uses its single schedule determination technique to delete programs, not change their compression level.

Claims 7, 12, 17, and 22 include similar elements as argued above for claim 1 and are patentable over Elcock, Potrebic, Ernst, and Garrison for similar reasons. Claims 2-6, 8-11, 13-16, 18-21, and 23-25 are dependent on claims 1, 7, 12, 17, and 22, respectively, and are patentable over Elcock, Potrebic, Ernst, and Garrison for the reasons argued above, plus the elements in the claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,

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By their Representative,

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